

Amendment No. 1 to SB3846

Person, Curtis
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3846

House Bill No. 3893*

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-131(a), is amended by deleting subdivision (2) in its entirety and substituting instead the following language:

(2) Placing the child on probation under the supervision of the probation officer of the court or the department of children's services, or any person, persons or agencies designated by the court, or the court of another state as provided in §37-1-143, under conditions and limitations the court prescribes.

(A) If the adjudication of delinquency was for an offense involving first degree murder, second degree murder, rape, aggravated rape, rape of a child, aggravated robbery, especially aggravated robbery, kidnapping, aggravated kidnapping, especially aggravated kidnapping, aggravated assault, or felony reckless endangerment, and if school attendance is a condition of probation, or if the child is to be placed in the custody of a state agency and is to be placed in school by a state agency or by a contractor of the state agency, the court shall make a finding that the principal of the child's school shall be notified. The court shall then enter an order directing the youth service officer, probation officer, or the state agency if the child has been committed to the custody of the state agency, to notify in writing the school principal of the nature of the offense and probation requirements, if any, related to school attendance, within five (5) days of the order or before the child resumes or begins school attendance, whichever occurs first.

(B) If the court orders the child to complete an inpatient mental health treatment program at a hospital or treatment resource as defined in

Section 33-1-101, the principal of the child's school must develop a transition plan for the child's return to school.

Such information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but such information is otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. Such notification in writing of the nature of the offense committed by the child, any probation requirements, and the transition plan developed pursuant to this subsection, shall not become a part of such child's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor;

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 6, Part 31, is amended by adding the following language as a new section thereto:

§49-6-3114.

(a)

(1) If a child voluntarily enters an inpatient mental health treatment program at a hospital or treatment resource and, upon leaving that hospital or treatment resource, such child is believed to pose a substantial likelihood of serious harm as defined in §33-6-501, the principal of the child's school must develop a transition plan for the child's return to school.

(2) If the hospital or treatment resource is of the belief that a child leaving a voluntary treatment program poses a substantial likelihood of serious harm as defined in §33-6-501, it is the duty of such hospital or treatment resource to warn the principal of the school the child will be attending of such belief so the principal may develop the transition plan accordingly.

(b) Such information shall be shared only with employees of the school having responsibility for classroom instruction of the child, but such information is

otherwise confidential and shall not be shared by school personnel with any other person or agency, except as may otherwise be required by law. The transition plan developed pursuant to subsection (a) shall not become a part of such child's student record. A violation of the confidentiality provisions of the preceding sentence is a Class C misdemeanor.

SECTION 3. Tennessee Code Annotated, Section 49-6-3102(a), is amended by deleting the subsection in its entirety and substituting instead the following language:

(a)

(1) The board of education of each local school system, with respect to the schools under its jurisdiction, is authorized and required to provide for the enrollment in a public school of each child who is eligible for enrollment within the schools of the local school system.

(2) The board of education of each local school system is not required to provide for the enrollment in a public school under its jurisdiction of a child for whom a transition plan is required pursuant to §§37-1-131 or 49-6-3114, unless such transition plan has been developed.

SECTION 4. This act shall take effect July 1, 2006, the public welfare requiring it.